

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL SCHILLER, *et al*,

Plaintiffs,

**DECLARATION OF
ODILE M. FARRELL**

-against-

CITY OF NEW YORK, *et al*

04 Civ. 7922 (RJS)(JCF)

Defendants.

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HACER DINLER, *et al*,

Plaintiffs,

-against-

04 Civ. 7921 (RJS)(JCF)

CITY OF NEW YORK, *et al*

Defendants.

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ODILE M. FARRELL, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. §1746 that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, attorney for defendants.

2. I am familiar with the facts and circumstances stated herein based upon personal knowledge, the books and records of the City of New York, and conversations with its agents and employees.

3. I submit this declaration in support of defendants' objections, pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, to orders entered by Magistrate Judge James C. Francis IV precluding eighty-four of defendants' witnesses.

4. Annexed hereto as **Exhibit A** is a true and correct copy of Memorandum and Order dated October 9, 2008, entered by Magistrate Judge James C. Francis IV in Schiller and Dinler.

5. Annexed hereto as **Exhibit B** is a true and correct copy of Order dated October 27, 2008, entered by Magistrate Judge James C. Francis IV in Schiller and Dinler.

6. Annexed hereto as **Exhibit C** is a true and correct copy of Consolidation Order dated September 20, 2005, entered by District Judge Kenneth M. Karas in Schiller.

7. Annexed hereto as **Exhibit D** is a true and correct copy of Consolidation Order dated October 12, 2005, entered by District Judge Kenneth M. Karas in Dinler.

8. Annexed hereto as **Exhibit E** is a true and correct copy of Order dated November 7, 2006, entered by Magistrate Judge James C. Francis IV in Schiller.

9. Annexed hereto as **Exhibit F** is a true and correct copy of a letter from defendants to all RNC Counsel dated June 4, 2007.

10. Annexed hereto as **Exhibit G** is a true and correct copy of a letter from defendants to all RNC Counsel dated June 29, 2007.

11. Annexed hereto as **Exhibit H** is a true and correct copy of a letter from defendants to all RNC Counsel dated April 4, 2008.

12. Annexed hereto as **Exhibit I** is a true and correct copy of a letter from defendants to all RNC Counsel dated May 16, 2008.

13. Annexed hereto as **Exhibit J** is a true and correct copy of Deposition notices served by email on plaintiffs' counsel in the consolidated RNC cases, including counsel for Schiller and Dinler.

14. Annexed hereto as **Exhibit K** is a true and correct copy of defendants' Initial Disclosures dated March 25, 2005, in Schiller.

15. Annexed hereto as **Exhibit L** is a true and correct copy of defendants' Initial Disclosures dated April 1, 2005, in Dinler.

16. Annexed hereto as **Exhibit M** is a true and correct copy of defendants' Supplemental Disclosures dated July 15, 2005, in Dinler.

17. Annexed hereto as **Exhibit N** is a true and correct copy of the relevant portions of defendants' interrogatory responses, dated February 21, 2006, June 2, 2006 in Dinler and dated February 21, 2006, and June 2, 2006 in Schiller.

18. Annexed hereto as **Exhibit O** is a true and correct copy of a letter to defendants from Christopher Dunn, Esq. dated September 27, 2006.

19. Annexed hereto as **Exhibit P** is a true and correct copy of a letter from defendants to Christopher Dunn, Esq. dated October 20, 2006.

20. Annexed hereto as **Exhibit Q** is a true and correct copy of excerpts from a transcript of a status conference before Magistrate Judge James C. Francis IV on October 24, 2006 in Schiller.

21. Annexed hereto as **Exhibit R** is a true and correct copy of a letter from defendants to Christopher Dunn, Esq. dated December 12, 2006.

22. Annexed hereto as **Exhibit S** is a true and correct copy of excerpts from a transcript of a status conference before Magistrate Judge James C. Francis IV on January 12, 2007 in Schiller.

23. Annexed hereto as **Exhibit T** is a true and correct copy of excerpts from a transcript of a status conference before Magistrate Judge James C. Francis IV on February 15, 2008 in Schiller.

24. Annexed hereto as **Exhibit U** is a true and correct copy of excerpts from a transcript of a status conference before Magistrate Judge James C. Francis IV on March 26, 2008 in Schiller.

25. Annexed hereto as **Exhibit V** is a true and correct copy of a letter from defendants to Christopher Dunn, Esq. dated May 16, 2008.

26. Annexed hereto as **Exhibit W** is a true and correct copy of a Subpoena and 30(b)(6) notice in MacNamara.

27. Annexed hereto as **Exhibit X** is a true and correct copy of Discovery Order #2, dated November 13, 2006, entered by Magistrate Judge James C. Francis IV in Schiller.

28. Annexed hereto as **Exhibit Y** is a true and correct copy of the MacNamara Orders of September 7, 2007, November 28, 2007 and April 22, 2008; the Schiller Order of March 12, 2007 and the Eastwood Order of January 23, 2008.

29. Annexed hereto as **Exhibit Z** is a true and correct copy of the Defendants' Opposition of Plaintiffs' Motion to Preclude dated August 8, 2008, by Odile M. Farrell in Schiller and Dinler.

30. Annexed hereto as **Exhibit AA** is a true and correct copy of Notice of Motion and Memorandum of Law dated October 24, 2008, in Schiller and Dinler.

31 Annexed hereto as **Exhibit BB** is a true and correct copy of Memorandum and Order dated November 13, 2006, entered by Magistrate Judge James C. Francis IV in MacNamara.

32 Annexed hereto as **Exhibit CC** is a true and correct copy of the MacNamara, Coburn, and Adams Order of June 15, 2007; and the Schiller and Dinler Order of July 5, 2007.

33 Annexed hereto as **Exhibit DD** is a true and correct copy of plaintiffs' Third Amended Complaint filed in Dinler.

34 Annexed hereto as **Exhibit EE** is a true and correct copy of excerpts from the November 15, 2007 deposition transcript of Karlin Non-Party Witness, Ian Clifford.

35 Annexed hereto as **Exhibit FF** is a true and correct copy of plaintiffs' Second Amended Complaint filed in Schiller.

36 Annexed hereto as **Exhibit GG** is a true and correct copy of the October 13, 2004 criminal court transcript in Schiller.

Dated: New York, New York
November 12, 2008


ODILE M. FARRELL